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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2007-2096

DAVID EDWARD MENDELL
3911 McGregor Way
North Las Vegas, Nevada 89032

ACCUSATION

Vocational Nurse License No. VN 206703

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

License History

2. On or about October 30, 2003, the Board issued Vocational Nurse License Number VN 206703 ("license") to David Edward Mendell ("Respondent"). The license will expire on September 30, 2009, unless renewed.

JURISDICTION

3. Section 2875 of the Business and Professions Code ("Code") states, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any

1 reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing
2 Practice Act.

3 4. Code section 118, subdivision (b), states, in pertinent part, that the
4 expiration of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary
5 action during the period within which the license may be renewed, restored, reissued or
6 reinstated.

7 STATUTORY PROVISION

8 5. Code section 2878.8 states:

9 The Board may deny any application or may suspend or
10 revoke any license issued hereunder this chapter based upon the
11 denial of licensure, suspension, restriction, or other disciplinary
12 action of a license by another state, any other government agency,
13 or by another California health care professional licensing board.
14 A certified copy of the finding shall be conclusive evidence of that
15 action provided that, if from another state, the findings establish an
16 act which if committed in California would be grounds for
17 discipline.

14 COST RECOVERY

15 6. Code section 125.3 provides, in pertinent part, that the Bureau may request
16 the administrative law judge to direct a licensee found to have committed a violation or
17 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
18 and enforcement of the case.

19 CAUSE FOR DISCIPLINE

20 (Out-of-State Discipline)

21 7. Respondent is subject to disciplinary action under Code section 2878.8, in
22 that Respondent's Colorado practical nurse license was disciplined by the Colorado State Board
23 of Nursing ("Colorado Board"). Effective August 18, 2004, in the case entitled, *In the Matter of*
24 *Disciplinary Proceedings Regarding the License to Practice Practical Nursing in the*
25 *State of Colorado of David Edward Mendell, L.P.N., License No. 17376*, pursuant to the Colorado
26 Board's Findings of Fact, Conclusions of Law, and Final Agency Order, the Colorado Board
27 revoked Respondent's Practical Nurse License No. 17376. A copy of the Board's Order is
28 attached as **Exhibit A**, and is incorporated herein.

1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
4 Technicians issue a decision:

- 5 1. Revoking or suspending Vocational Nurse License Number VN 206703,
6 issued to David Edward Mendell;
- 7 2. Ordering David Edward Mendell to pay the Board the reasonable costs of
8 the investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: February 24, 2009


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15 TERESA BELLO-JONES, J.D., M.S.N., R.N.
16 Executive Officer
17 Bureau of Vocational Nursing and Psychiatric Technicians
18 Department of Consumer Affairs
19 State of California
20 Complainant
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Exhibit A
Colorado State Board of Nursing
Final Agency Order

BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

Case No. NB 2004-019

FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE
TO PRACTICE PRACTICAL NURSING IN THE STATE OF COLORADO OF DAVID
EDWARD MENDELL, L.P.N., LICENSE NO. 17376,

Respondent.

The Colorado State Board of Nursing (the "Board"), pursuant to and after formal proceedings before a duly qualified Administrative Law Judge ("ALJ") in accordance with the provisions of the Nurse Practice Act and the Administrative Procedure Act, and having reviewed the ALJ's Initial Decision, hereby enters the following findings and order:

1. David Edward Mendell, L.P.N. ("respondent") was served with a Notice of Duty to Answer, Notice to Set, Notice of Hearing, Notice of Charges, and Option to Engage in Alternative Dispute Resolution on April 1, 2004, to all last known addresses on file with the Board.

2. A disciplinary hearing by default was held pursuant to §§ 12-38-103, 116.5, and 117, C.R.S., and §§ 24-4-104 and 105, C.R.S. (2003), before ALJ Judith F. Schulman.

3. The Initial Decision was rendered on July 6, 2004, and transmitted to the Board. The Initial Decision is incorporated herein by reference.

4. The Initial Decision was served on the respondent and the Board's counsel on July 8, 2004.

5. Exceptions to the Initial Decision were due on or before August 8, 2004.

6. As of August 8, 2004, no exceptions were filed by either party with the Board office.

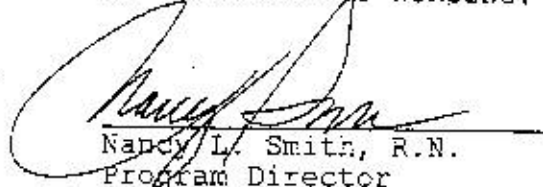
7. Pursuant to § 24-4-105(14), C.R.S. (2003), and policy of the Board, the Initial Decision of the ALJ has become the

final order of the agency.

IT IS THEREFORE ORDERED by the Board, based upon the above findings: that the license to practice practical nursing in the State of Colorado of David Edward Mendell is hereby revoked.

Dated this 18 day of August 2004.

BY THE BOARD OF NURSING:


Nancy L. Smith, R.N.
Program Director

This decision becomes final upon mailing. Any party adversely affected or aggrieved by any agency action may commence an action for judicial review before the Court of Appeals within forty-five (45) days after such action becomes final.